

REMARKS

The Office Action mailed July 19, 2006 has been carefully reviewed along with the references cited therein. In the subject Office Action, the Examiner objected to claims 9, 10, 12 and 17 for minor informalities. Claims 1-2, 5, 8 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese patent (JP06185356). Claims 3-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Japanese patent in view of McCurdy (U.S. Patent No. 2,222,876). Claims 6 and 15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Japanese patent in view of Ching-ho (U.S. Patent No. 4,890,691). Claims 9-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Japanese patent in view of Ligman (U.S. Patent No. 5,500,494). Claims 7 and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Japanese patent in view of Crowe et al. (U.S. Patent No. 3,168,935). Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Japanese patent in view of Ligman as applied to claim 10 above, and further in view of Ching-ho. Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Japanese patent in view of Jones (U.S. Patent No. 3,200,902). Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Japanese patent in view of Ching-ho as applied to claim 15 in further view of McCurdy. Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Japanese patent in view of Crowe as applied to claim 24 above, and further in view of Ligman. For the reasons advanced below, it is respectfully submitted that the pending claims are now in condition for allowance.

Claim Objections

Claim 9 has been amended to depend from claim 2. Claim 12 has been amended to depend from claim 11. Claim 17 has been amended to depend from claim 15. Each of these amendments have been made in accordance with the Examiner's suggestions, accordingly the claim objections are now moot.

Claim Rejections – 35 USC § 102

Claim 1 has been amended to recite that the first section of the housing includes "an annular flange disposed at an end of the side wall opposite the end wall" and the second housing section includes "an annular flange." The Japanese patent fails to

disclose annular flanges on the housing. Accordingly, claim 1 is no longer anticipated by the Japanese patent.

Claim 1 further recites “the coupling comprising a continuous band.” The Examiner rejected a similar claim recitation regarding a coupling when rejecting claim 7 as unpatentable over the Japanese patent in view of Crowe et al. Even though Applicants take issue with the Examiner’s combination of the Japanese patent and Crowe et al. (see arguments presented below with regard to claim 24), Crowe et al. fails to disclose a coupling comprising a continuous band. Moreover, both Woolsey et al. and Lin disclose couplings that include segments – as opposed to a continuous band. Accordingly, claim 1, and the claims that depend from claim 1, define over the references cited by the Examiner.

Claim 14 has been amended to recite “wherein when the removable second section of the housing is removed from the first section of the housing to provide access to the chamber, the insert remains in the chamber.” Support for this limitation is found in FIGURE 1 of Applicants’ disclosure. In the Japanese patent, when the second section 16 is removed from the first section 6, the removable insert 14 is also removed from the chamber of the housing since the insert is connected to the second section through cylinder 13 as shown in Figure 2. Accordingly, claim 14 is no longer anticipated by the Japanese patent.

Moreover, one skilled in the art would not modify the Japanese patent so that the removable insert remains in the housing. Based on our understanding of the computer translation provided with the Japanese patent, the Japanese patent teaches that the problem to be solved by the invention disclosed in the Japanese patent is to extract the silencer 12, which is held in place by bracket 14, by removing the baffle pipe 5, which is fixed to the flange 16, i.e. the removable section of the housing. See paragraph [0019] of translation. Modifying the Japanese patent such that removal of the flange 16 would not result in removal of the removable insert would destroy the intended function of the Japanese reference. Accordingly, amended claim 14, and the claims that depend from claim 14, patentably define over the Japanese reference.

Claim Rejections – 35 USC § 103

Claim 24 has been rejected as being unpatentable over the Japanese patent in view of Crowe et al. Claim 24 has been amended to recite “each of the first section and the

second section includes a flange extending outwardly from the respective section” and that “the coupling side walls are installed over the respective flange.” Applicants respectfully assert that the Examiner cannot properly combine the Japanese patent in view of Crowe et al. to establish a *prima facie* case for obviousness in view of the claim amendments to claim 24.

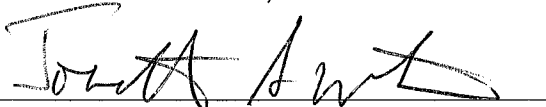
The Japanese patent teaches that the flange 16 attaches to a bracket disposed on an inner circumference of the muffler body 6 so that attachment does not appear in the peripheral surface of the muffler (see paragraph [0020]). Modifying the Japanese reference to include coupling side walls installed over a respective flange where each flange extends outwardly from the housing would result in the coupling being placed on the outside of the muffler body. The Japanese patent, however, teaches away from such a configuration. Moreover, placing a coupling on the outside of the muffler body would destroy one of the intended functions of the Japanese patent, which was to eliminate any attachments on the peripheral surface of the muffler body. Accordingly, claim 24 and claim 25, which depends from claim 24, define over the cited references.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application are now in condition for allowance. Accordingly, an early indication of the same is earnestly solicited. In any event, should the Examiner consider personal contact advantageous to the disposition of this case, the Examiner is encouraged to telephone the undersigned at the number listed below.

Respectfully submitted,

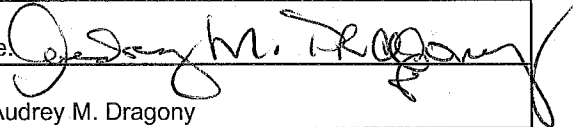
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